

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Zev Levavi	Team: Squad #5	CCRB Case #: 201308795	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 09/14/2013 5:08 AM	Location of Incident: [REDACTED]	Precinct: 24	18 Mo. SOL 3/14/2015	EO SOL 3/14/2015	
Date/Time CV Reported Sat, 09/14/2013 5:08 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 09/19/2013 4:17 PM		

  

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

  

Subject Officer(s)	Shield	TaxID	Command
1. POM Steven Waldron	23806	920950	TB DT03

  

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Luis Jimenez	24473	920437	TB DT03
2. POM Gregory Donato	06341	946948	024 PCT

  

Officer(s)	Allegation	Investigator Recommendation
A.POM Steven Waldron	Force: PO Steven Waldron used a chokehold against § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Steven Waldron	Force: PO Steven Waldron restricted § 87(2)(b) [REDACTED] s breathing.	[REDACTED]
C.POM Steven Waldron	Force: PO Steven Waldron used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
D.POM Steven Waldron	Abuse: PO Steven Waldron refused to provide his shield number to § 87(2)(b) [REDACTED]	[REDACTED]

### Case Summary

At approximately 5:08 a.m. on September 14, 2013, § 87(2)(b) entered the West 96<sup>th</sup> Street train station, located on West 93<sup>rd</sup> Street and Broadway, in Manhattan. § 87(2)(b) was coming from his sister's apartment, located at § 87(2)(b) in Manhattan, where he had consumed half a liter of an unspecified alcoholic beverage.

In his telephone statement and CCRB interview, § 87(2)(b) alleged that as he descended the stairs to the northbound 1, 2, and 3 train platform, an officer, identified by the investigation as PO Steven Waldron of Transit District 3, jumped in front of § 87(2)(b) and grabbed his neck with both hands. PO Waldron applied pressure to § 87(2)(b)'s neck, restricting his breathing (**Allegations A and B**). It should be noted that in his telephone call to 911, § 87(2)(b) alleged that he was choked on a train because he was sleeping.

§ 87(2)(b) managed to force PO Waldron's hands off his neck by placing his hands between PO Waldron's arms and pushing outward. PO Waldron then pushed § 87(2)(b) in the chest with both hands, causing § 87(2)(b) to fall to the floor and hit his elbow on a stair (**Allegation C**).

§ 87(2)(b) asked PO Waldron to verbally provide his shield number because he could not read it, but PO Waldron refused (**Allegation D**). § 87(2)(b) called 911 at 5:09 a.m. to file a complaint against PO Waldron while still attempting to obtain his shield number, but PO Waldron did not provide it. As § 87(2)(b) walked away he observed an ambulance arrive at the scene. § 87(2)(b) refused medical attention. § 87(2)(b) was not arrested as a result of the incident, nor did he receive a summons.

§ 87(2)(b) sustained a laceration on his left forearm to elbow, approximately six inches in length (encl. 8H). However, he does not recall how he sustained that injury. § 87(2)(b) also sustained a laceration on his right forearm, approximately the size of a nickel (encl. 8G), though he did not specify how he received that injury. § 87(2)(b) did not seek medical attention because he does not have insurance.

§ 87(2)(b)

§ 87(2)(b)

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint § 87(2)(b) has filed (encl. 2).
- PO Waldron has been a member of the service for 17 years and there are no substantiated allegations against him. He has been the subject of force allegations twice before but he has never been the subject of a chokehold allegation or a refusal to provide name/shield number allegation prior to this complaint (encl. 1).

## Findings and Recommendations

### Explanation of Subject Officer Identification

- § 87(2)(b) stated that there was only one officer present for the duration of the incident and he described this officer a white male in his mid-20s to early 30s, who is between 5'11" and 6'2" tall, weighs approximately 210 pounds, with light brown hair. PO Waldron generally matches this description (encl. 9A) and his memo book and CCRB testimony confirm that he called an ambulance to remove an intoxicated male from the northbound 1 train platform inside the West 96<sup>th</sup> Street station between 4:50 a.m. and 5:15 a.m. on September 14, 2013 (encl. 9B-G). Furthermore, PO Waldron confirmed that an ambulance arrived at the scene, but the individual walked away from the scene without being removed in the ambulance.
- However, PO Waldron stated that the individual for whom he called the ambulance was a balding white male and maintained that position even after viewing a photograph of § 87(2)(b) and listening to the recording of § 87(2)(b)'s 911 call. PO Luis Jimenez, also of Transit District 3, was PO Waldron's partner on the date of incident and he corroborated PO Waldron's account, including the fact that the intoxicated male was white (encl. 10E-F).
- Despite this inconsistency, significant details of the incident are too similar across all testimonies and PO Waldron's memo book to be dismissed as a coincidence. Therefore, because PO Waldron generally matches the physical description provided by § 87(2)(b) and his memo book and testimony closely mirror the incident time, location, and type described by § 87(2)(b) **Allegations A, B, C, and D** are pleaded against PO Waldron.

### Recommendations

**Allegation A- Force: PO Steven Waldron used a chokehold against § 87(2)(b)**

**Allegation B- Force: PO Steven Waldron restricted § 87(2)(b)'s breathing.**

**Allegation C- Force: PO Steven Waldron used physical force against § 87(2)(b)**

It is disputed whether PO Waldron used a chokehold against § 87(2)(b) or pushed him to the ground.

§ 87(2)(b) called 911 at 5:09 a.m. on September 14, 2013 (encl. 6), provided a phone statement on September 23, 2013 (encl. 7) and he was interviewed at the CCRB on October 3, 2013 (encl. 8A-C). § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

During his 911 call, § 87(2)(b) alleged that PO Waldron choked him on the train because he was sleeping. However, in both his phone statement and CCRB interview, § 87(2)(b) stated that the chokehold took place as he was entering the 1, 2 and 3 train platform inside the West 96<sup>th</sup> Street station. § 87(2)(b) does not specify the extent of the chokehold until his CCRB interview, when he stated that PO Waldron choked him for between one and three minutes, causing § 87(2)(b) to lose consciousness.

Furthermore, § 87(2)(b) does not mention being pushed in his 911 call, while his account of when PO Waldron pushed him differs between his phone statement and his in person interview. In his phone statement, § 87(2)(b) alleged that PO Waldron grabbed him by the neck and

threw him down the stairs. During his interview, § 87(2)(b) stated that PO Waldron pushed him after he forced PO Waldron to release his grip on § 87(2)(b)'s neck.

PO Waldron was interviewed at the CCRB on July 30, 2014 (encl. 9E-G). As discussed in the officer identification section, PO Waldron denied interacting with § 87(2)(b) on the date of incident. However, PO Waldron admitted to a very similar interaction with a white male who he ejected from the West 96<sup>th</sup> Street Station because he was intoxicated. PO Waldron denied using a chokehold against this individual or making contact with his neck at any point. PO Waldron stated that he pushed the individual up the stairs to overcome his resistance as he was being ejected, though PO Waldron did not recall whether the individual fell as a result of the push.

PO Jimenez was the only other officer present for this incident and he was interviewed at the CCRB on October 10, 2013 (encl. 10E-F). PO Jimenez denied making contact with the individual's neck, using a chokehold against him, or pushing him to the ground. PO Jimenez denied observing PO Waldron do any of the above.

§ 87(2)(g)

**Allegation D- Abuse of authority: PO Steven Waldron refused to provide his shield number to § 87(2)(b)**

§ 87(2)(g)

§ 87(2)(b) alleged that PO Waldron refused to verbally provide his shield number after § 87(2)(b) explicitly requested he do so because he could not read the number off PO Waldron's person. Additionally, § 87(2)(b) stated that he called 911 to file a complaint against PO Waldron and to force PO Waldron to provide his shield number, which is corroborated by the 911 recording.

On the 911 recording, § 87(2)(b) can be heard requesting an officer's shield number. The officer responds, "Sure. Read it." The officer informs § 87(2)(b) to keep a certain distance away, and § 87(2)(b) responds, "You said I could have the badge number but I can't see it." The officer responds, "It is not my problem." The remaining comments from the officer are inaudible. § 87(2)(b) then tells the operator that the officer does not want to give him the badge number, and the call is as it is being transferred to IAB (encl. 6).

During his re-interview at the CCRB on December 16, 2014, PO Waldron did not recognize the officer's voice on the recording as his own, and he denied making any of the statements that are audible. Furthermore, PO Waldron denied that anyone requested his shield number on the date of incident and he denied refusing to provide it upon request (encl. 9H-I).

§ 87(2)(g)

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Pod: 5

Investigator: \_\_\_\_\_ Zev Levavi \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

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